

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KARL HOUSE,	§
Plaintiff,	§
	§
v.	§ Case No. 12-3704
	§
S.P. RICHARDS COMPANY,	§
Defendant.	§

NOTICE OF REMOVAL

Defendant, S.P. Richards Company (“S.P. Richards”), through its counsel, files this Notice of Removal pursuant to 28 U.S.C. § 1441 *et seq.*, and in support thereof would show as follows:

1. On October 15, 2012, Plaintiff Karl House filed suit against Defendant S.P. Richards in the 80th Judicial District Court of Harris County, Texas. This case is styled *Karl House v. S.P. Richards Company*, case number 2012-60702. S.P. Richards is the sole defendant. *See App’x at Tab 1 (Docket Sheet); App’x at Tab 2 (Original Petition).*
2. On November 30, 2012, by agreement of counsel, counsel for S.P. Richards accepted service of process in this suit on behalf of S.P. Richards. *See App’x at Tab 3 (Defendant’s acceptance of service); App’x at Tab 4 (list of counsel).*
3. S.P. Richards files this Notice of Removal within 30 days of acceptance of service. Accordingly, this Notice of Removal is timely. *See 28 U.S.C. § 1446(b).*
4. Concurrent with the filing of this Notice of Removal, S.P. Richards will notify House and the Clerk of the 80th Judicial District of Harris County, as required in 28 U.S.C. § 1446(d).

JURSIDICTION

5. Removal is proper because this court has diversity jurisdiction pursuant to 28 U.S.C. § 1332.

6. S.P. Richards is a corporation incorporated in the state of Georgia, with a principal place of business in Smyrna, Georgia. For purposes of federal diversity jurisdiction, S.P. Richards is deemed a citizen of Georgia. *See* 28 U.S.C. § 1332(c).

7. House is a citizen of Texas.

8. There is complete diversity between House and S.P. Richards, the sole parties in this matter.

9. Plaintiff seeks in excess of \$75,000 in damages, exclusive of interest, costs and fees. Plaintiff's Petition on its face states that Plaintiff's damages exceed \$50,000, and Plaintiff seeks damages for past, present, and future medical expenses; past, present, and future lost wages; past, present, and future disfigurement; past, present, and future mental pain and anguish; past, present, and future out-of-pocket economic losses; past, present and future physical impairment. Additionally, Plaintiff has asserted that his injuries are due to Defendant's gross negligence, which, if shown, would entitle Plaintiff to exemplary damages.

VENUE

10. Venue is proper in the United States District Court for the Southern District of Texas. The underlying state action was filed and pending in the 80th Judicial District Court of Harris County, Texas, which is located in this district. *See* 28 U.S.C. § 1441(a).

PROCEDURAL MATTERS

11. Plaintiff demanded a jury in the state-court suit.

12. All documents required by 28 U.S.C. § 1446(a) and Local Rule 81 are attached and can be found in the Appendix.

WHEREFORE, S.P. Richards provides notice of its removal of the above-captioned suit from the 80th Judicial District Court of Harris County, Texas to the United States District Court for the Southern District of Texas.

Dated December 21, 2012

Respectfully submitted,

AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING, P.C.

/s/ Todd W. Mensing

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ATTORNEYS FOR DEFENDANT
S.P. RICHARDS COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon counsel of record on December 21, 2012.

Langdon "Trey" Smith
Frank Robertson
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/s/ Todd W. Mensing

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